

REMARKS

Claims 2-6, 8, 9 and 16-23 remain pending in this application. Claims 2, 3, 5, 6, 8 and 16-23 are rejected. Claims 1, 7, 10-15 and 24-27 are previously cancelled. Claims 4 and 9 are withdrawn. Claims 2 and 6 are amended herein to clarify the invention.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims cited in the above-referenced Office Action.

Claims 2, 3, 5, 6 and 8 are alternatively rejected under 35 U.S.C. § 103(a) as obvious over Meredith (US 5,655,936) in view of Weddendorf, and further in view of Mehlberg (US 5,842,894).

In repeating these rejections, the Examiner states in the Response to Arguments section of the Office Action, at page 5, that based upon cited case law, recognition of another advantage which would flow naturally from following the suggestion of the prior art cannot be a basis for patentability. Applicant respectfully submits that the basis of this rejection is misplaced, since the reasoning of the cited case (Ex parte Obiaya, 227 USPQ 58, 60 (Bd. Pat. App. & Iter. 1985)) is more appropriately applied in an inherency type argument, wherein a single reference provides the inherent advantages claimed, rather than in a situation such as the present case, where a claimed combination, once developed, provides advantage over each of the individual teachings of cited references taken separately. To apply the

principle in the present instance, would involve the improper use of hindsight, in which the Examiner uses the instant disclosure to justify the combination, absent a motivation in the references themselves to do so for the purposes achieved.

In particular, Wennendorf is directed to a quick connect fastener which is disclosed separate and apart from any other structure or particular use connected thereto, with the exception of the threaded stud threadably engaged therewith. Meredith is directed to a captive nut and terminal (the terminal 18 being equated to the claimed attachment part) which is threaded onto a stud for promoting "constant tightening force" against a reaction surface (See abstract). While it might be reasonable to combine the references to allow a more speedy assembly of the battery cable to the battery terminal in Meredith, as suggested by the Examiner, the combination of references would nevertheless result in an attachment part (terminal 18) which abuts an engagement surface, i.e., battery terminal surface 14, as seen in Figs. 1, 5 and 6 of Meredith. Since the attachment part in Meredith abuts a supporting structure 14 (battery terminal surface) of the bolt 12 (battery post), no axial shifting would ever be experienced, and would not therefore present the same problem for which the presently claimed invention provides a solution. Thus, the required motivation to combine the references is not present. The third reference, Mehlberg, relates merely to use of multiple fitting pieces, and does not therefore supplement the above discussed references in any meaningful way in the above regard.

The independent claims are amended to clarify and clearly distinguish over the cited references by reciting that “at least a length segment of the bolt extending from said second side of the attachment member when engaged with the nut body being free of structure supporting said bolt or contacting said second side of the attachment member,” i.e., there being no confronting engagement between a surface of the attachment part and a structure (i.e., the reaction surface) fixed to the threaded stud, as in Meredith. In accordance with the recitations of the amended claims, because the “quick release” nut is fixed to the attachment member in the manner as claimed, relative axial movement therebetween is prevented, and loss of tightening power to the bolt is prevented by the spring biasing in a tightening direction in the event of shifting, expansion or contraction of the bolt. Nothing contained within the references themselves suggest a combination which would result in such advantage.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 2, 3, 5, 6 and 8 and their allowance are respectfully requested.

Claims 16-23 are rejected under 35 U.S.C. § 103(a) as obvious over the Meredith reference (US 5,655,936) in view of the Weddendorf reference (US 5,340,252) and Mehlberg (US 5,842,894), and further in view of Nalle (US 3,104,493) as obvious over Nalle in view of Weddendorf (US 5,340,252).

It is respectfully submitted that the proffered combination of references cannot render the rejected claims obvious because the Nalle reference does not

adequately supplement the teachings of the combination of references noted above with respect to the rejections of independent claims 2 and 6, and therefore fails to provide what is lacking in Merdith, Weddendorf and Mehlberg. Thus, the combination of prior art references fails to teach or suggest all the claim limitations, as is properly required for establishing a *prima facie* case of obviousness. Therefore, reconsideration of the rejections of claims 16-23 and their allowance are respectfully requested.

The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form
for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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